

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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JUNIPER ENTERTAINMENT INC. and
JUNIPER SERVICES, INC.,

Plaintiffs,

- against -

MICHAEL CALDERHEAD
and JAMES CALDERHEAD,

Defendants.

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ORDER

CV 07-2413 (ADS) (AKT)

A. KATHLEEN TOMLINSON, Magistrate Judge:

I have reviewed Defendant James Calderhead's letter [DE 77] seeking, among other things, (i) modification of this Court's April 1, 2009 Minute Order [DE 78], and (ii) leave to serve upon Plaintiffs various discovery requests. *See* DE 77, ¶¶ 1, 3. After discussion with Judge Spatt, I am responding to the requests contained in Paragraphs 1 and 3 of Defendant's letter, and Judge Spatt will address the remainder of Defendant's requests.

In Paragraph 1 of his letter, Defendant James Calderhead ("Defendant") asks the Court to modify the April 1, 2009 Minute Order [DE 78] (the "April 1 Order"), which granted Plaintiffs' motion to compel production of the Calderhead Defendants' 2007 federal income tax returns, to allow him to redact his and his wife's social security numbers and the names of their employers. In the alternative, Defendant requests that this Court prohibit Plaintiffs, their "agents, assigns or designees, from contacting my current employer, in any fashion whatsoever"

¹ Defendant's letter was filed on ECF on July 8, 2009. The Court notes that Plaintiff have not filed any opposition.

See DE 77, ¶ 1. Defendant's request is GRANTED to the extent it requests redaction of the Social Security Numbers² and the name of his wife's employer. However, Plaintiff has a right to the name of Defendant's current employer, so that information shall not be redacted.

Moreover, as indicated in my April 1 Order [DE 78], the tax returns should be designated "highly confidential." I note that the parties have not submitted a proposed Stipulation of Confidentiality, which they were directed to do pursuant to the April 1 Order. *See* DE 78, ¶ 4. Accordingly, I am directing Plaintiff's counsel to prepare a draft of the proposed Stipulation of Confidentiality, which will contain a designation for heightened confidentiality to be applied to Defendants' tax returns, and to provide the draft to Defendants forthwith. If there are any problems with the wording of the proposed Stipulation, Defendants are to contact Plaintiff's counsel expeditiously to discuss these issues. Otherwise, Defendants shall sign the proposed Stipulation and return to Plaintiffs' counsel, who will then file it on ECF for the Court to "So Order." The parties are directed to accomplish this as expeditiously as possible because Plaintiffs cannot review the tax returns until the Stipulation is in effect.

In addition, I am directing that there is to be no contact between Plaintiffs' counsel and Defendant's employer without prior written authorization from the Court.

With respect to the requests contained in Paragraph 3 of Defendant's letter, the Court is unclear why the discovery requested by Defendant was not already done. A discovery plan was put in place in this case on April 18, 2008. *See* Case Management and Scheduling Order

² In my April 1 Order, I directed Plaintiff's counsel to redact all social security numbers contained in the tax returns. *See* DE 78, ¶ 4.

[DE 57]. On January 8, 2009, I granted an extension of time to complete discovery [DE 72]. In light of these Orders, as well as the February 13, 2009 Order [DE 74] extending the deadline to complete depositions to April 6, 2009, the Court requires a representation from Defendant why discovery is not complete at this juncture. Accordingly, by **August 7, 2009**, Defendant is directed to provide the Court with a written statement, which is detailed and specific, stating exactly what discovery he is seeking to serve and the individuals he wishes to depose.

Plaintiffs' counsel is directed to serve a copy of this Order upon the Pro Se Defendants forthwith and to file proof of service on ECF.

SO ORDERED.

Dated: Central Islip, New York
July 30, 2009

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge